



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 95

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 95 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Care  
5 of Students with Diabetes Act.

6 Section 5. Legislative findings. The General Assembly  
7 finds the following:

8 (1) Diabetes is a serious chronic disease that  
9 interferes with the body's ability to produce or use  
10 insulin, impairing the body's ability to metabolize food.  
11 Diabetes must be managed 24 hours a day in order to (i)  
12 avoid the potentially life-threatening short-term  
13 consequences of blood sugar levels that are either too high  
14 or too low and (ii) avoid or delay the serious long-term  
15 complications of high blood sugar levels, which include  
16 blindness, amputation, heart disease, and kidney failure.

1           (2) In order to manage their disease, students with  
2 diabetes must have access to the means to balance food,  
3 medications, and physical activity levels while at school  
4 and school-sponsored activities.

5           (3) A certificated school nurse is the most appropriate  
6 person in the school setting to coordinate health care  
7 services for a student with diabetes.

8           (4) Because of the significant number of students with  
9 Type 1 diabetes and the increasing prevalence of Type 2  
10 diabetes, the effect on a student's ability to learn, and  
11 the risk for serious long-term and short-term medical  
12 complications, the General Assembly deems it in the public  
13 interest to enact this Act.

14           Section 10. Definitions. In this Act:

15           "Diabetes medical management plan" means a document that  
16 (i) is developed by the parent or guardian of a student with  
17 diabetes, (ii) is a treatment and care plan for the student's  
18 specific medical needs developed by the student's treating  
19 physician licensed to practice medicine in all its branches,  
20 advanced practice nurse who has a collaborative agreement with  
21 a collaborating physician that authorizes development of a  
22 diabetes medical management plan, or physician assistant who  
23 has been delegated authority to develop a diabetes medical  
24 management plan, (iii) sets out the services needed by the  
25 student at school and school-sponsored activities, and (iv) is

1 signed by the parent or guardian.

2 "Health care provider with expertise in diabetes" means a  
3 physician licensed to practice medicine in all its branches, an  
4 advanced practice nurse, a registered professional nurse, or a  
5 certificated school nurse.

6 "School" means a elementary or secondary public, charter,  
7 or private school located in this State.

8 "School employee" means a person who is employed by a  
9 public school district or private school, a person who is  
10 employed by a local health department and assigned to a school,  
11 or a person who contracts with a school or school district to  
12 perform services in connection with the care of students with  
13 diabetes.

14 Section 15. School policies; diabetes medical management  
15 plan; self-care; training.

16 (a) Each school board and governing body of a private or  
17 charter school must adopt and implement a policy that does all  
18 of the following:

19 (1) Informs the parent or guardian of a student with  
20 diabetes of his or her obligation to submit a diabetes  
21 medical management plan.

22 (2) Requires the parent or guardian of a student with  
23 diabetes who seeks diabetes care while at school and  
24 school-sponsored activities to submit a diabetes medical  
25 management plan to the school prior to the beginning of

1 each school year or upon enrollment of the student with  
2 diabetes, diagnosis of the student's diabetes, or change in  
3 the student's condition if such enrollment, diagnosis, or  
4 change occurs during the school year.

5 (3) Permits a student with diabetes, upon written  
6 request of the parent or guardian, in accordance with the  
7 student's submitted diabetes medical management plan, to  
8 test his or her blood glucose level, administer insulin,  
9 treat hypoglycemia and hyperglycemia, and otherwise  
10 provide diabetes self-care.

11 (4) Permits a student to possess on his or her person  
12 at all times the supplies and equipment necessary to  
13 perform diabetes self-care at any time, in any area of the  
14 school or school grounds, including without limitation the  
15 classroom, in accordance with his or her diabetes medical  
16 management plan.

17 (5) Informs the parent or guardian and the student with  
18 diabetes of their right to request self-care.

19 (6) Requires, at least once every 2 years, the  
20 in-service training of school employees by a health care  
21 provider with expertise in diabetes regarding the care of  
22 students with diabetes.

23 (7) Requires school employees who have completed the  
24 in-service training regarding the care of students with  
25 diabetes to assist students who are unable to provide  
26 self-care.

1           (b) Each school board and governing body of a private or  
2 charter school shall develop a policy under this Section no  
3 later than July 1, 2010.

4           Section 20. Guidelines and procedures. The Department of  
5 Human Services, in consultation with the State Board of  
6 Education and other appropriate representatives of without  
7 limitation the Illinois Society for Advanced Practice Nursing,  
8 the Illinois State Medical Society, the Illinois Chapter of the  
9 American Diabetes Association, and the Illinois Association of  
10 School Nurses, shall develop all guidelines and procedures  
11 necessary for the implementation of this Act.

12           Section 25. Civil immunity. A physician, nurse, school  
13 employee, public charter school or public school district, or  
14 governing body of a private school is not liable for civil or  
15 other damages as a result of conduct, other than willful or  
16 wanton misconduct, related to the care of a student with  
17 diabetes under this Act.

18           Section 30. Federal law. Nothing in this Act shall limit  
19 any rights available under federal law.

20           Section 99. Effective date. This Act takes effect upon  
21 becoming law.".